IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.1098 OF 2007

Sameer L. Sayed .... Petitioner
Vs.
The State of Maharashtra & Ors. .... Respondents

None present for the Petitioner.

Ms Shyamli Hajela i/b M/s. H & M Legal Associates for the Respondent Nos.9 & 10.

Ms A.S. Pai, APP, for the Respondent No.1.

CORAM: R.M.S. KHANDEPARKAR &
Smt. V.K. TAHILRAMANI, JJ.

DATED: OCTOBER 04, 2007

P.C:

1. None present for the petitioner. Learned APP present for the State and Advocate Ms Shyamli Hajela present for the respondent Nos.9 and 10.

2. The learned Advocate for the respondent Nos.9 and 10 states that the copy of the affidavit of the concerned lady, who is claimed to be the wife of the petitioner, discloses that she out of her own free will has travelled to Saudi Arabia along with her family and she is residing in Saudi Arabia out of her own free will and she has no intention to return to India at the present. She being a major in age, according to the learned Advocate, there is no case made out for issuing the writ

of habeas corpus against the respondents for production of the concerned lady as she has not been illegally detained as such by any of the respondents and on the contrary, she is staying in Saudi Arabia out of her own free will.

3. The learned Advocate for the respondent Nos.9 and 10 has also produced on record the copy of the affidavit stated to have been sworn by the concerned lady before the attache to the Embassy of India, Riyadh, Saudi Arabia. On perusal of the said affidavit and on going through the other annexures to the petition, it is apparent that the affidavit appears to have been sworn by the concerned lady informing that she is in Saudi Arabia out of her own free will and has not been detained by the respondents. Consequently, there is no case for issuance of writ in the nature of habeas corpus against the respondents for production of the concerned lady. The petition, therefore, is rejected.

(Smt.V.K.Tahilramani, J.) (R.M.S.Khandeparkar, J.)

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